

1 for the position of System Reading  
2 Specialist at the Office of Curriculum  
3 and Instruction. You were interviewed  
4 for that job. Who interviewed you?

5 A. Teresa Nichols. Teresa Jackson. I want  
6 to say -- and I may stand corrected,  
7 but, I guess, the interview panel would  
8 have to be poled -- I want to say  
9 Margaret Allen. And I know Mr. Barker  
10 sat in on that interview, because we  
11 had -- at this point, he and I were  
12 having some serious discussions about  
13 these jobs. And he told me, I'm going  
14 to sit in on yours. And he sat in on my  
15 interview.

16 Q. Mr. Barker did?

17 A. Yes. And we talked after the interview.  
18 Because Mr. Barker showed me, and we  
19 discussed the four women who were being  
20 given -- the recommendation were given  
21 to him, to whom he was going to  
22 recommend to the superintendent.

23 Q. To be hired in the position?

1 A. To be hired for two positions that were  
2 advertised. But you were hiring four.  
3 And all were women, two white and two  
4 black.

5 Q. Okay. And in your conversations with  
6 him, did he share with you why you were  
7 not recommended for those jobs?

8 A. And I asked him, because --

9 Q. And he had nothing to offer?

10 A. The reading -- the system-wide reading  
11 coach positions were new, as were the  
12 reading coach positions being new, so  
13 what more qualifications would any of  
14 those persons have had, other than  
15 practical teaching experiences? Because  
16 knowledge of the special curriculum for  
17 the interventions, we all started  
18 learning and fumbling and making the  
19 trial-and-error mistakes at the same  
20 time.

21 Q. Do you know how you interviewed as  
22 compared to the other individuals or how  
23 well your interview went as compared to

1           them?

2   A.   Well, I knew questions that were going  
3       to be asked. So I think I would have  
4       known how to prepare for those  
5       questions.

6   Q.   And my only question is: Do you know  
7       how you did in comparison to the people  
8       that were awarded the job?

9   A.   The only thing I can say is I knew all  
10      the information and I still know all the  
11      information.

12   Q.   Okay. When you had this big  
13      conversation with -- first of all, did  
14      Mr. Barker sit in on this interview  
15      because you wanted him to?

16   A.   No. I think we had been talking about  
17      me and some of these other jobs that I  
18      had not gotten. And he told me, I'm  
19      going to sit in on yours. Because I  
20      think I had communicated to him, I'm  
21      being blocked somewhere. And he sat in  
22      on mine.

23                           But the question I had, I know

1 personnel makes the decision on the  
2 interview panel. But one of those  
3 persons at that time was retired from  
4 the school system. And all of those  
5 women were conducting those interviews.  
6 No representative from Human Resources,  
7 other than when Mr. Barker sat in on  
8 mine. And I didn't feel comfortable  
9 with that, a recommendation given to you  
10 to make a recommendation to the  
11 superintendent, when you or your office  
12 should have been the one conducting the  
13 interview to be able to answer to what  
14 he said or what he didn't say.

15 Q. Well, that's just really your opinion,  
16 right --

17 A. Yeah.

18 Q. -- about who's doing the interview?

19 A. But when we look at better practice and  
20 Best practice and policy and procedure.

21 Q. Okay. That's fine. The next one was  
22 for System-wide Math Specialist. And  
23 you were interviewed. Who interviewed

1 for that job?

2 A. I can't -- I'd have to go back. I can't  
3 even recall who interviewed me for that  
4 position, but it wasn't anybody from  
5 Human Resources.

6 Q. Do you know who got the job?

7 A. I'd have to go back and look at the  
8 personnel minutes.

9 Q. So you can't tell us about their  
10 qualifications as compared to yours?

11 A. Well, I know one was a white woman.

12 Q. Do you know what her qualifications were  
13 compared to yours?

14 A. No, I don't.

15 Q. Let's go to the next one, Title I  
16 School-wide Instructional Assistant at  
17 various school locations. Were the  
18 Title I School-wide Instructional  
19 Assistants interviewed at the variation  
20 schools, or was that done in central  
21 office?

22 A. It was some confusion about that,  
23 because one interview I took part in, we

1 were told that we were interviewing for  
2 administrative assistants at various  
3 schools and SIA positions. Then we came  
4 back, and we had this separate -- there  
5 were separate interviews for the SIA  
6 positions. So, I mean, it was kind of  
7 like you interviewed twice. But on this  
8 one here, the second time, I never  
9 interviewed.

10 Q. And do you know who got that job, those  
11 jobs?

12 A. I don't even know how many it was. No,  
13 I don't.

14 Q. The next one says that you've applied  
15 for the District Resource/Attendance  
16 Officer of Office of Student and  
17 Community Services, and that you didn't  
18 get an interview?

19 A. At the time I wrote this, I didn't get  
20 an interview. But I did interview.

21 Q. Who did you interview with?

22 A. Mr. Barker and Lois Johnson.

23 Q. And were you recommended for the

1 position?

2 A. To my knowledge, the position hasn't  
3 been filled.

4 Q. Do you know why it hasn't been filled?

5 A. No, I don't. Ms. Johnson just  
6 communicated to me, she said, Melvin,  
7 you had an excellent interview. And  
8 from my mother, she said, I don't know  
9 where you get your smarts from, which  
10 was an insult, because it could possible  
11 be innate capability. But she said that  
12 Mr. Carter said that they weren't going  
13 to fill the position at that time.

14 Q. Okay. Do you know whether that's true  
15 or not?

16 A. Whether what is true?

17 Q. Whether it was just an executive  
18 decision to not fill the position at  
19 that time.

20 A. Well, that's what she told me. I have  
21 no way of knowing if it was true or not,  
22 unless the position has been filled or  
23 hasn't.

1 Q. Okay. And you performed that job?

2 A. That Summer of '04.

3 Q. Of '04?

4 A. Yes.

5 Q. Before you came back for your final year  
6 in '04-'05?

7 A. Yes. And this was the summer when I  
8 questioned Mr. Barker about certain  
9 principal -- summer school principal  
10 positions for -- see, at this point, we  
11 were having ongoing conversations.  
12 There were such persons as Denita  
13 Easterling, who served as summer school  
14 principal, who wasn't even certified.  
15 Because she was borrowing information  
16 from me to get certified. And she was  
17 interviewing for administrative  
18 positions, and she wasn't certified.  
19 This was also during the time when I  
20 questioned Mr. Barker about jobs that  
21 other persons were being recommended for  
22 and being hired in and the announcement  
23 never surfaced. And I said, Well, how



1 it was Mr. Looney made this -- I said,  
2 But when was the job posted, and when  
3 did the interviews take place? And --

4 Q. Who were the people that you say got --

5 A. Karen Vann is one. Karen Vann --

6 Q. You don't know what I'm going to ask.

7 A. Oh, I'm sorry. I'm just --

8 Q. I was going to say --

9 A. Okay.

10 Q. -- who were the people that you say who  
11 got jobs that were not qualified or not  
12 certified in those fields?

13 A. At the time that -- when I interviewed  
14 for one of the group interviews for  
15 administrative assistant and SIA, a  
16 Denita Easterling is one individual in  
17 particular, a black female, who  
18 interviewed, who was in the process of  
19 getting certified in administration.  
20 And she was allowed that summer to act  
21 as a summer school principal, and she  
22 was not certified.

23 Q. Did you interview for a summer school

1 principal position?

2 A. They were never advertised. And when I

3 questioned Mr. Looney about it,

4 Mr. Looney directed me to Ms. Johnson,

5 Sophia Johnson, who was the principal of

6 that school a full year. And

7 Ms. Johnson suggested that Mr. Barker

8 referred Denita Easterling to her. And

9 I said, Well, are you-all aware that

10 she's not even certified in

11 administration, but she's your summer

12 school principal? And the reason I had

13 such a hands-on working relationship

14 with her, there was an issue with a

15 child and some records we had to get

16 from Daisy Lawrence, and I would come

17 from Southlawn, as lead reading coach,

18 to Daisy Lawrence across the street to

19 drop this information. And it just

20 began to be a slap in the face, because

21 I never knew the summer school positions

22 were available.

23 The second one, Karen Vann,

1 she went from a classroom teacher to a  
2 reading coach and then to assistant  
3 reading coach and then a reading  
4 specialist. And I said, Mr. Barker,  
5 where is this advertised, because I  
6 would have liked to -- when Teresa  
7 Jackson left, the next thing we know  
8 Karen Vann is in the position. In fact,  
9 Karen told me in a sarcastic tone. And  
10 I'm asking, Well, when was it posted,  
11 and when can -- or why can't people  
12 interview for it? So those are two in  
13 particular, one black female and one  
14 white female.

15 MR. PATTY: It's been an  
16 hour and fifteen  
17 minutes now.

18 MRS. CARTER: All right.  
19 That's fine.

20 (Whereupon a brief recess  
21 was taken.)

22 BY MRS. CARTER:

23 Q. I asked you before we took a break about

1 any jobs -- or there's two categories of  
2 things, and instead of going line per  
3 line for this, I read this a little bit  
4 more, Defense Exhibit 5. The two  
5 things, from what I can tell that you're  
6 saying, in addition to the specific jobs  
7 that you have listed here, another of  
8 your complaint was that there were  
9 people getting jobs that you believe  
10 weren't even posted, so you didn't know  
11 to interview for them. An example you  
12 gave was Karen Mann getting kind of  
13 promoted through the ranks, so to speak,  
14 in the reading specialist category --  
15 might not be the right word.

16 Can you give me any other  
17 examples of individuals who you felt  
18 like were receiving promotions or  
19 getting jobs that you think, you know,  
20 that you would have interviewed for, but  
21 you didn't know that the job was open,  
22 that wasn't properly posted?

23 A. You just answered it. If it wasn't a

1 where we're referring to.

2 (Witness reviewed document.)

3 (An off-the-Record  
4 discussion was held.)

5 MRS. CARTER: All right. We  
6 can get back on.

7 BY MRS. CARTER:

8 Q. The questions that I was asking you  
9 about also came from Defense Exhibit 7  
10 where you supplemented to the EEOC to  
11 give them some more specific examples.  
12 And you gave the example of Karen Vann,  
13 which you had testified about, and also  
14 Ms. Easterling. Would you like to refer  
15 to that for me to ask you some more  
16 questions? That's what I was getting my  
17 questions from. And I'm showing you  
18 page 4 of Defense Exhibit 7.

19 A. Okay.

20 Q. Oh, that's where I was getting that from  
21 that she had her certification in July  
22 of 2004.

23 A. That's what she told me.

1 Q. Okay. So what you're saying is you  
2 don't really know?

3 A. I'm telling you that's what she told me.

4 Q. Okay. Just to wrap up with Defense  
5 Exhibit 5, you say in here at the bottom  
6 of the second page, that in making this  
7 claim of race and gender discrimination,  
8 that the majority of the individuals who  
9 have filled the positions listed above,  
10 that we just went over --

11 A. Uh-huh (affirmative response).

12 Q. -- are either of the opposite race or  
13 gender or are not qualified. Have you  
14 already given me any information you  
15 have about these individuals, sitting  
16 here today?

17 A. All that I'm able to.

18 Q. Right. Okay. And I know that other  
19 information might exist somewhere, but I  
20 just mean that you can provide to me.

21 A. Uh-huh (affirmative response).

22 Q. Okay. All right. And looking back at  
23 Defense Exhibit 7, we stopped here at J

1 when we were going over jobs you had  
2 been interviewed for. And I'm going to  
3 pick back up where we are, but real  
4 quickly just wanted to say: Can you  
5 tell us what jobs you were offered in  
6 Macon County?

7 A. I was offered a teaching job in Macon  
8 County.

9 Q. And who offered you that job?

10 A. In fact, that was a Special Education.  
11 Ms. Fannie Adams (phonetic).

12 Q. And why did you turn it down?

13 A. Because I had gotten the job in Bullock  
14 County. See, those jobs, actually they  
15 were not calling me saying you've got  
16 the job; we're going to give you the  
17 job. It was very close to school  
18 starting, and I was going into Bullock  
19 County at that time.

20 Q. You had already gotten the job in  
21 Bullock County when you got offered a  
22 job in --

23 A. See, I went on a string of interviews.

1 strators view Melvin, they see Mary  
2 Lowe, and they aren't favorable about  
3 hiring him at that point.

4 A. That is true.

5 Q. And that she made that -- Ms. Johnson  
6 made that communication to your mother  
7 in July of '04?

8 A. Yes. That was the first time she made  
9 the statement.

10 Q. Okay. And that was going to be my  
11 question that we have not clarified yet  
12 from my little notes here: That's the  
13 first time Lois Johnson said something  
14 like that -- and I think we were getting  
15 into that before the break -- which was  
16 the Summer of '04, which is what this  
17 document reflects?

18 A. That was the first time she said it to  
19 Mother.

20 Q. Did she ever say that to you?

21 A. She said it to me once.

22 Q. Okay. And what did she say?

23 A. She just -- and this was in her office



1 one afternoon during the first year at  
2 Daisy Lawrence. And she said -- she  
3 said, Melvin, she said, you know the  
4 problem you're having, she said, you  
5 know when people look at your momma,  
6 they look at you. She said, You know,  
7 that's what we always say, you know, he  
8 is Mary. And --

9 Q. And this is -- I'm sorry, when did you  
10 say she said that to you?

11 A. This was the first -- my first full year  
12 at Daisy Lawrence, back at Daisy  
13 Lawrence.

14 Q. Back in '99?

15 A. No. The first full year after  
16 Southlawn.

17 Q. When you came back. You're saying back,  
18 I'm sorry.

19 A. This was on -- and I don't even have the  
20 date. But it was during that school  
21 year one afternoon in her office.

22 Q. When they look at you, they look at your  
23 momma?

1 A. They see Mary.

2 Q. They see your momma. Anything else that  
3 Ms. Johnson has said directly to you of  
4 that nature?

5 A. No.

6 Q. Anything else that Ms. Johnson has said  
7 to your mother of that nature, that your  
8 mother subsequently relayed to you?

9 A. This last year that I was at Daisy  
10 Lawrence, Ms. Johnson made that  
11 statement again to my mother, and it  
12 kinda got hot. It was heated at that  
13 time.

14 Q. Did you put down the statements -- at  
15 the time that you wrote this document,  
16 Defense Exhibit 7, did you put down the  
17 statements of anything said like that,  
18 to the best of your recollection?

19 A. Are you asking did I do this at a later  
20 date?

21 Q. No. I asked a horrible question.

22 When you wrote Defense Exhibit  
23 7, did you relate -- because these

1 statements that we just asked you about,  
2 there were three of them. Did you  
3 reflect what was actually said during  
4 those alleged conversations, to the best  
5 of your ability or memory, at that time?

6 A. Yes.

7 Q. Okay. Any other -- Summer of '04,  
8 Ms. Johnson said something to your  
9 mother; during the school year of  
10 '04-'05, Ms. Johnson said something to  
11 your mother --

12 A. Yes.

13 Q. -- and then you've told us about the  
14 time Ms. Johnson said something to you?

15 A. Yes.

16 Q. Those are three occasions that I'm  
17 recalling.

18 A. Yes.

19 Q. Any other time that you can think of  
20 that Ms. Johnson said anything about  
21 your mother to you or to your mother?

22 A. Right before -- while Mr. Carter was  
23 still superintendent, right before I

1 came back to Montgomery County, I was  
2 still in Bullock County. My mother  
3 called Ms. Johnson, it may have been on  
4 a Saturday or a Sunday, to ask her what  
5 did she think she needed to do to help  
6 me get back in Montgomery County.

7 Q. So that would have been the Summer of  
8 '03, then?

9 A. Yes. And they had a long conversation.  
10 And Momma -- my Mother told me, she  
11 said, Melvin, Lois just said that you  
12 know how people sometimes get back at  
13 your children, you know, get back at you  
14 through your children. And she just  
15 told me what we needed to do. At that  
16 time, my mother informed her, she said,  
17 Well, I'm just telling you Melvin and I  
18 are going to see if we can sit with  
19 Mr. Barker and talk to Mr. Barker and  
20 see if we can -- whatever we need to  
21 work out, can we work it out? That was  
22 the first time my mother and Ms. Johnson  
23 had a conversation, to my knowledge,

1 about any of these proceedings. And  
2 then we have two to me, then three to  
3 Momma, then four to her again, the  
4 fourth time something was said.

5 Q. Oh, oh, oh, I thought you were saying  
6 three times -- yeah. Okay. Any other  
7 that you can think of today?

8 A. No, that is it. That is all that I'm  
9 aware of.

10 Q. Okay. And I asked you about Mr. Barker,  
11 and you told me that he said -- first  
12 that your mother walked in on a  
13 conversation he was having with Ann  
14 Sippial, where he said words to the  
15 effect that he's just like his momma,  
16 his reputation --

17 A. His personality supersedes him.

18 Q. His personality supersedes him. And  
19 that allegedly occurred also in the  
20 Summer of '03, I think. I'm not trying  
21 to change your testimony.

22 A. Yes.

23 Q. It'll speak for itself. I might be

1 asked him, Defend me about what and for  
2 what? And then he went into all of  
3 this.

4 Q. Okay. So you're not exactly sure what  
5 was said in their conversation?

6 MR. PATTY: Object to the  
7 form.

8 A. I'm just telling you that -- I'm telling  
9 you what Dr. Owens told me. I wasn't a  
10 fly on the wall. That's just -- that's  
11 what he told me.

12 Q. Okay. And I'm not trying to be  
13 difficult, I promise. And I might just  
14 be getting confused. But I'm trying to  
15 ascertain what he said Mr. Barker said  
16 or what he was just saying. Like  
17 Dr. Owens was saying -- was he the one  
18 saying you shouldn't drive a Mercedes  
19 and things of that nature, as opposed to  
20 did he tell you that he was repeating  
21 something that Jimmy Barker allegedly  
22 said to him?

23 MR. PATTY: Object to the

1 form.

2 Q. And I'm sorry if I'm not --

3 A. He told me that he had to defend me  
4 today. And he talked with Mr. Barker,  
5 and these are some of the things that,  
6 Brother Lowe, you need to do. Because  
7 these are the opinions that are out  
8 there about you, and this is why people  
9 don't take you seriously as far as the  
10 jobs that I was trying to attain.  
11 That's what he told me.

12 Q. Okay. Dr. Owens told you that at what  
13 time, in your first or second year at  
14 Daisy Lawrence after you came back?

15 A. That was the second year.

16 Q. Oh, I'm sorry. You've already -- that  
17 was either right before or right after  
18 you got pink-slipped you said?

19 A. It was either a day before or a day  
20 after.

21 Q. You said that already, okay.

22 Okay. We've talked about Lois  
23 Johnson, we've talked about Dr. Carter,

1 for me.

2 Q. Bobby Abrams (phonetic)?

3 A. Bobby Abrams. And Mr. Looney was aware  
4 that Bobby Abrams asked for me. Because  
5 Mr. Looney said if there's a problem  
6 when you see Mr. Barker, come back to  
7 me. If you want Melvin Lowe, you can  
8 have him.

9 Q. Who told him that?

10 A. Mr. Looney. Because in that same  
11 conversation that I had with Mr. Barker,  
12 Mr. Barker told me that Mr. Carter  
13 said -- Mr. Barker told me I had a good  
14 interview, and that Mr. Carter said that  
15 you will either be in one of the --  
16 you'll either be an administrator or you  
17 will either be in one of these reading  
18 positions. I rest -- I took rest,  
19 because I assumed that to be true. And  
20 when --

21 Q. Dr. Carter said that?

22 A. That's what Mr. Barker said he said.

23 Q. So this was the year after he said you



1 would only ever be a teacher?

2 A. Yes.

3 Q. Okay.

4 A. There was some disbelief, but Mr. Barker  
5 told me that's what he said.

6 Q. What was the job that Bobby Abrams was  
7 recommending you to take?

8 A. Administrative assistant.

9 Q. It had nothing to do with Special  
10 Education?

11 A. That comes later. That's the next year.

12 Q. Okay.

13 A. May I finish?

14 Q. Go ahead. Yes, I apologize.

15 A. And Mr. Abrams told me that Mr. Barker  
16 told him that he'd have to hire a  
17 female.

18 Q. That he had to hire a female for the  
19 administrative assistant position at  
20 McKee?

21 A. Yes.

22 Q. Did a female get that job?

23 A. Yes.

1 Q. Did you ever talk to Mr. Barker about  
2 it?

3 A. I don't think I did, not after that.

4 Q. Okay. Because this again is in the  
5 Summer of '04.

6 All right. And then you go on  
7 to talk about the limited number of  
8 black men in leadership or  
9 administrative positions. And I would  
10 just ask in general to any of these  
11 statistics or anything that y'all  
12 provided, do you have any information,  
13 sitting here today, where a white  
14 individual was hired over a black  
15 individual who was less qualified than  
16 the black applicant?

17 MR. PATTY: Object to the  
18 form.

19 A. You would have to poll the rubrics, the  
20 assessment rubrics that were used to  
21 weigh one applicant against another.

22 Q. I'm just asking --

23 A. Okay.

1 Q. -- if you can tell me about today an  
2 example of where a white applicant was  
3 hired where you believe or have  
4 information that the black applicant had  
5 better qualifications?

6 MR. PATTY: Object to the  
7 form.

8 Go ahead.

9 Q. In any of these positions that you're  
10 referring to?

11 A. I would have to know what qualifications  
12 were in the rubric, the assessment  
13 rubric, or whatever form of assessment  
14 was being used. And then I could  
15 balance it out and then say, Well, look,  
16 this is the reason I feel this way.

17 Q. Is your statement here, then, that you  
18 just believe there's discriminatory  
19 practice, because there should be more  
20 black people in these positions you've  
21 listed?

22 A. When you survey each department and you  
23 look at who holds the leadership

1 positions, it's evident.

2 Q. You say in the next paragraph that  
3 Dr. Carter told Mr. Barker in June of  
4 2003, that you would be in a reading  
5 position or administrative position for  
6 the upcoming school year. And that  
7 Mr. Barker told you that your interviews  
8 were excellent, and that he had heard a  
9 lot of great things regarding your  
10 knowledge of curriculum and instruction,  
11 and thus, the implementation of  
12 policy/procedures in an educational  
13 administration?

14 A. Yes, that is true.

15 Q. When did Mr. Barker tell you that?

16 A. That was during the summer, that last  
17 summer right after Mr. Abrams informed  
18 me that he made a recommendation for me  
19 for the Assistant Principal's  
20 position -- administrative assistant's  
21 position at McKee. And that was right  
22 before Mr. Abrams came back to tell me  
23 that Mr. Barker said he would have to

1 hire a female. That was what Mr. Barker  
2 told me shortly after we had the large  
3 group of interviews.

4 Q. And Mr. Barker was a part of those  
5 interviews?

6 A. Yes.

7 Q. And then through the course of your next  
8 few paragraphs of this document, it  
9 appears that you are addressing the  
10 issue of your assignment to Daisy  
11 Lawrence that last year and whether you  
12 should have been assigned there and what  
13 your job duties were?

14 A. Yes.

15 Q. And so I guess my question was: Have  
16 you told us -- I think you testified  
17 about that earlier. Is there anything  
18 that you would like to add to that in  
19 regards to your assignment at Daisy  
20 Lawrence that last year or what your  
21 job --

22 MR. PATTY: Object to the  
23 form.

1 Q. On this document, it says that Dr. Owens  
2 told you on May 19th, 2005, that Jimmy  
3 Barker said that you were not liked by  
4 the school system and you should have  
5 never filed your lawsuit?

6 A. That is true.

7 Q. Dr. Owens told you that Jimmy Barker  
8 said that?

9 A. Yes.

10 Q. Okay. Because you had not told us about  
11 that earlier. And it might be that I  
12 just limited my question to the time  
13 period, and I apologize.

14 A. Okay.

15 MR. PATTY: Object to that.

16 I think he did mention  
17 that -- that the very  
18 first time you asked  
19 him about that  
20 conversation, he said  
21 he -- that Barker had  
22 said that he shouldn't  
23 have filed his lawsuit.

1 MRS. CARTER: Okay. Maybe  
2 so.

3 THE WITNESS: I think I did.

4 MR. PATTY: We've covered  
5 this conversation twice  
6 before, I think.

7 THE WITNESS: Yeah. I'm  
8 almost certain that I  
9 did.

10 BY MRS. CARTER:

11 Q. It's just confusing, because sometimes  
12 when -- and I don't mean this bad, but  
13 sometimes when you refer to summers or  
14 dates, they've been -- but I think we  
15 have it all clear now.

16 And this is not the  
17 conversation we discussed earlier. It  
18 can't be, because of when you said that  
19 happened. And so I guess -- I mean,  
20 have you had more than one conversation  
21 with Dr. Owens where he told you that  
22 Mr. Barker had said words to that  
23 effect?

1 that is -- if you recognize that as an  
2 e-mail that you sent to Mr. Barker and  
3 copied Dr. Purcell with?

4 (Whereupon Defendants'

5 Exhibit No. 20 was marked  
6 for identification and  
7 attached hereto.)

8 (Witness reviewed document.)

9 A. I do.

10 Q. Okay. Let me show you what I'll mark as  
11 Defense Exhibit 21, and ask you what  
12 this is and how it came about?

13 (Whereupon Defendants'

14 Exhibit No. 21 was marked  
15 for identification and  
16 attached hereto.)

17 (Witness reviewed document.)

18 A. This is a letter of recommendation from  
19 Dr. Owens that he provided me. After my  
20 lawsuit was filed, he then suggested to  
21 me that a number of reasons I probably  
22 wouldn't be able to get a job back in  
23 Montgomery County based on conversations



1 A. Yes, he did.

2 Q. And did you have any communication with  
3 him about why you did not receive the  
4 job?

5 A. Yes, I did.

6 Q. And what did he say to you?

7 A. It was a string of events. He first  
8 told me he had to talk to Mr. Barker.  
9 After he told me he talked to  
10 Mr. Barker, it was still up in the air,  
11 because Mr. Barker had to communicate  
12 with Connie Mizell, who interviewed me  
13 for the position. And when I approached  
14 Mr. Barker, Mr. Barker told me that  
15 Connie Mizell said I had a poor  
16 interview.

17 Q. Mr. Barker said you had a poor  
18 interview?

19 A. He said that Connie Mizell stated I had  
20 a poor interview.

21 Q. Okay.

22 A. That's who interviewed me. And we kept  
23 going back and forth until Dr. Owens

1 finally positioned the school board  
2 again and told me that Ms. Carla  
3 Winborne told him, You're going to have  
4 to pick somebody else, because we're not  
5 hiring Melvin Lowe.

6 Q. Carla Winborne told Dr. Owens that?

7 A. Yes.

8 Q. And what is Carla Winborne's position?

9 A. She, I think, is an AA Specialist, a  
10 Human Resource Specialist in Human  
11 Resources.

12 Q. And do you know why she said she was not  
13 going to hire you or that the school  
14 board wasn't going to hire you?

15 A. I don't know. She told me that --  
16 Dr. Owens told me that's what she told  
17 him, that they, whoever "they" the  
18 pronoun is, that they were not going to  
19 hire me and to pick somebody else.

20 Q. Let me show you what I've made kind of  
21 as a composite exhibit instead of going  
22 to each one of these individually, and  
23 what I would characterize as what

1 appears to me to be correspondence that  
2 you had with central office or various  
3 principals in regards to jobs that you  
4 were interested in, administrative  
5 positions, coaching positions. And if  
6 you want to flip through that and make  
7 sure I characterized that right.

8 A. No coaching positions. Reading coach.

9 Q. I mean -- that's what I meant to say.  
10 I'm sorry. Hey, my dad's a football  
11 coach, so I made a slip on that. All  
12 right?

13 A. Right here what you have are the e-mail  
14 communications for the principals that I  
15 was unable to contact via fax.

16 Q. And we're fixing to mark that. But what  
17 I'll mark as Defense Exhibit 27, it  
18 looks like to me -- and if we've made a  
19 mistake, it was on accident -- it seems  
20 to be verification of good transmission  
21 to the various school locations where  
22 you sent faxes. So what you're telling  
23 us is if we compared 27 to 26, a lot of

attached hereto.)

(Witness reviewed document.)

1  
2  
3 A. This was after Dr. Purcell and  
4 Mr. Barker spoke to the entire faculty  
5 at Daisy Lawrence about the school being  
6 closed due to reorganization and funding  
7 and some deficiencies in those areas.  
8 The question was posed by a teacher,  
9 Will everyone be placed? And  
10 Dr. Purcell stated that everyone will be  
11 placed, however, tenured people would  
12 have first choice and they will be  
13 placed first. And Mr. Barker seconded  
14 that. Which is my reason in here I  
15 revisited -- I'm not putting words in  
16 your mouth, but this is what she said.  
17 And everybody has been placed, tenured  
18 and nontenured, except Melvin Lowe, and  
19 I need some help. And this was where he  
20 provide me with his explanation.

21 Q. Now, Defense Exhibit 19 refers to a  
22 woman by the name of Zara Brown, who you  
23 say in here was not reassigned?

1 Q. I'm just kind of -- I guess I'm not  
2 exactly sure what you're talking about.

3 A. AEA felt that because all of this was  
4 getting ready to take place, that would  
5 tie into this. It was all a joint.

6 MR. PATTY: He seeks the  
7 UniServe or whoever's  
8 assistant to intervene,  
9 and the UniServe person  
10 would make the contact.

11 MRS. CARTER: Would  
12 intervene, right.

13 MR. PATTY: Right.

14 MRS. CARTER: Right. That's  
15 what I thought.

16 BY MRS. CARTER:

17 Q. And so then, because you went on and  
18 filed with the EEOC, or whatever, that  
19 kind of, I guess, usurps that process or  
20 whatever --

21 MR. PATTY: I think the EEOC  
22 was already filed when  
23 the leave issue came

1 professional leave -- I mean,  
2 professional development time or leave  
3 to go on professional development to  
4 speak or to present at Nova in October  
5 of 2004. Do you know what I'm talking  
6 about?

7 A. Correction. That was to present at the  
8 national -- what is that? Yeah, the  
9 National Schools for Reform Conference.  
10 It was not Nova. I don't want anyone to  
11 think that it had anything to do with my  
12 doctoral program.

13 Q. Oh, it was sponsored by Nova.

14 A. It was sponsored.

15 Q. Okay. That's where I got it. Well, I  
16 wasn't trying to throw you a curve ball.

17 A. I know you're not.

18 Q. And I think that some of this stuff is  
19 just repetitive, but tell me -- I'll try  
20 to flip through real quick -- tell me  
21 about that. I mean, you requested to go  
22 for this professional development, and I  
23 guess you did not hear back initially;

1 is that fair to say?

2 A. I requested to go. I held a verbal  
3 conversation with Mike Looney, who  
4 encouraged me to go, along with Judy  
5 Wardoff (phonetic) and Linda Sexton, who  
6 encouraged me to go. I compiled my  
7 information, filed it with Dr. Owens.  
8 Dr. Owens approved it. If you look at  
9 the date of when I gave it to him and  
10 how long it sat before I was notified  
11 that I would not be allowed to go, as  
12 opposed to some of the other  
13 professional development activities from  
14 other persons in the same school who  
15 applied to go different places and the  
16 turnaround time. When I asked  
17 Mr. Barker, Why was mine denied by you  
18 and all of my other professional  
19 development activities had been approved  
20 by Carol Hicks, but like all of mine all  
21 of a sudden are being denied by you,  
22 Mr. Barker told me that Mr. Looney said  
23 that he didn't see where a classroom

1 teacher was sufficient enough to present  
2 at a national conference, which  
3 conflicts with what Mr. Looney provided  
4 me in a written e-mail.

5 Q. Okay. So you feel like this was some  
6 type of retaliation or discrimination --

7 A. Yes, I do.

8 Q. -- the way you were treated about this  
9 professional development?

10 A. Yes, I do. And being that I had  
11 communicated with Dr. Purcell about it,  
12 and she even felt that it was a  
13 wonderful opportunity to have  
14 representation from Montgomery County at  
15 this event.

16 Q. How did it come about that you were  
17 asked to present? Did you ask them if  
18 you could present?

19 A. I received the correspondence in the  
20 mail. And I did, I initially registered  
21 as a presenter. And everything from  
22 there began to develop. And they asked  
23 me to send in a scoping sequence of what



1 I was going to present. I did, which  
2 you see my itinerary and everything that  
3 is listed that I was going to present,  
4 the time framing --

5 Q. Yeah. Let me show you, this is Defense  
6 Exhibit 32, which is just a grouping of  
7 documents that seems to be -- and I know  
8 some of it is repetitive, but I was just  
9 scared not to mark it all -- I guess in  
10 regards to who you corresponded with,  
11 where you have the program, a copy of  
12 the program, your application, your  
13 request to speak. The request to speak  
14 was dated in October, and it says, Dear  
15 Colleague. It seemed to be they were  
16 responding to a request from you. And  
17 that's what I was asking is: Did you  
18 request?

19 (Whereupon Defendants'

20 Exhibit No. 32 was marked  
21 for identification and  
22 attached hereto.)

23 (Witness reviewed

1 it; it sounds good?

2 A. And then I wrote the initial request and  
3 presented it to Dr. Owens.

4 Q. Is it common for a teacher to take off  
5 time like this and get this kind of  
6 expenses to go present at a conference?

7 A. I've seen it in other districts, and I'm  
8 almost certain that it has been done in  
9 our district.

10 Q. Can you give me any examples of anybody  
11 who's allowed to go off on a trip like  
12 this to present that works in our  
13 district?

14 A. I would actually have to sit and go --  
15 that's privileged information. I would  
16 have to actually go and look through  
17 some of the professional development.  
18 But it wasn't something that was so  
19 farfetched, because Mr. Looney would  
20 have said nay or yea. And he said yea.

21 Q. So who put the kibosh on it? Who said  
22 no?

23 A. Mr. Barker.